

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**ANGEL DAVID MORALES
VALLELLANES,
Plaintiff,**

v.

**JOHN POTTER, UNITED STATES
POSTMASTER GENERAL, ET ALS.,
Defendants.**

CIVIL NO. 97-2459 (JAG)

**DAMAGES BASED ON
RETALIATION AND
DISCRIMINATION; PROHIBITED
PERSONNEL PRACTICES;
UNFAIR LABOR PRACTICES;
BREACH OF COLLECTIVE
BARGAINING AGREEMENT**

**TRIAL BY JURY IS HEREBY
REQUESTED**

**REPLY TO DEFENDANTS OPPOSITION TO
PLAINTIFFS INFORMATIVE MOTION AND
REQUEST FOR AN ORDER AGAINST O.S.H.A.**

COMES NOW, plaintiff Angel David Morales-Vallellanes through his legal counsel and very respectfully inform this Honorable Court:

1. The appearing party filed a motion requesting an order to OSHA to provide a certified copy of the health and safety problems and investigations from 1995 to 1997 at Caparra Heights Station.
2. The defendant, as usual, filed a frivolous opposition to the discovery attempted by plaintiff.
3. The grounds for defendant's opposition are the following:
 - A. OSHA is not a party to this action;
 - B. Said requested Order constitutes an unwarranted, broad and burdensome request;
 - C. Constitutes a frivolous fishing expedition which does not lead to discoverable evidence to address the very limited issues related to this remanded case;
4. It is important to remember that the basis for the complaints filed by Plaintiff at the EEO were the harassment and reprisals he suffered due to the EEO complaints he filed and also

for the complaints Plaintiff filed at OSHA given the unsanitary conditions at Caparra Heights Station. Therefore, the evidence requested is not a fishing expedition but a very important evidence relevant to the issues in the above captioned case.

5. Certainly OSHA is not a party herein, that is why Plaintiff requested an order from this Honorable Court, otherwise a Request for Production of Documents should had been filed.
6. The requested Order does not constitutes “an unwarranted, broad an burdensome request” as it establishes a request for specific investigations by OSHA (due to unsanitary conditions) in an specific postal office (Caparra Heights Station) during a specific period (1995 to 1997). Moreover, if defendant is not the requested party, any grounds to object the requested Order as “unwarranted, broad and burdensome” should be presented by OSHA.
7. Defendants opposition is not only a frivolous objection to the requested Order but clearly a dilatory practice to Plaintiff right for discovery.

WHEREFORE, it is respectfully requested from this Honorable Court to **DENY** Defendants opposition to Plaintiff REQUEST FOR AN ORDER AGAINST OSHA.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on April 5, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **Fidel A. Sevillano-Del Río, Esq.**, Assistant U.S. Attorney, Federico Degetau Federal Build., 150 Carlos Chardón Av., Hato Rey, Puerto Rico 00918.

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